

Message Text

LIMITED OFFICIAL USE

PAGE 01 PORT A 01504 070038Z

63

ACTION ARA-20

INFO OCT-01 ISO-00 L-03 H-03 EB-11 COME-00 JUSE-00 CIAE-00

INR-11 NSAE-00 RSC-01 TRSE-00 AID-20 SS-20 NSC-07

SP-03 IO-14 PRS-01 FRB-03 CIEP-03 OPIC-12 XMB-07

DRC-01 /141 W

----- 116798

R 061836Z AUG 74

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC 8360

LIMITED OFFICIAL USE PORT AU PRINCE 1504

E.O. 11652: N/A

TAGS: EFIN, EIND, HA

SUBJECT: PRIVATE COMMERCIAL DISPUTES WITH GOH

REF: (A) PORT-AU-PRINCE 1492;

(B) 10 FAM 988;

(C) STATE A-10523, 12/28/74

1. DURING TALK WITH PRESIDENT DUVALIER AUGUST 2, AFTER TOUCHING ON TROUBLESOME SPECIFIC CASES INVOLVING PRIVATE US CONTRACTS WITH GOH AUTHORITIES, DCM THOMSON AND I SUGGESTED TO PRESIDENT THAT, FOR FUTURE CONTRACTS THIS NATURE AND FOR THE LONGER TERM, GOH CONSIDER AND ADHERE TO MORE ORDERLY PROCEDURE FOR RESOLVING DISPUTES.

2. WE ARGUED THAT UNDER HAITI'S TRADITIONAL AND CURRENT METHODS OF HANDLING DISPUTES WITH FOREIGN PRIVATE CONTRACTORS, REGARDLESS OF MERITS OF CASES, GOH WAS LEAVING ITSELF OPEN TO CONTINUAL ATTACKS BY UNSATISFIED FOREIGN CLAIMANTS UPON HAITI'S ADMINISTRATIVE AND JUDICIAL SYSTEM WHICH WERE DAMAGING TO THE KIND OF CLIMATE GOH IS TRYING TO BUILD FOR PRIVATE INVESTMENT AND COULD CAUSE FURTHER DIFFICULTIES FOR USG'S EFFORTS TO DELIVER ECONOMIC

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PORT A 01504 070038Z

ASSISTANCE EFFECTIVELY.

3. WE STRESSED ADVANTAGES FOR GOH IN DECIDING WHAT KINDS OF SETTLEMENT PROCEDURE WERE ACCEPTABLE AND PROVIDING FOR MAKING THEM APPLICABLE TO FUTURE CONTRACTS. WE EMPHASIZED, IN PARTICULAR, ADVANTAGES OF THIRD PARTY SETTLEMENT PROCEDURES IN TERMS OF BUILDING CONFIDENCE, AVOIDING ENDLESS DISPUTES, AVERTING SITUATIONS WHERE USG MIGHT HAVE TO CONSIDER ESPOUSING PRIVATE CLAIMS, AND SPARING PRESIDENT'S PERSONAL ATTENTION FOR MORE CONSTRUCTIVE EFFORTS. WE NOTED GOH'S WILLINGNESS TO ACCEPT ICJ JURISDICTION IN DUPONT CARIBBEAN CONTRACT BUT EXPLAINED THAT ICJ WAS NOT THE APPROPRIATE INSTITUTION.

4. PRESIDENT SHOWED INTEREST AND INDICATED GOH WOULD BE RECEPTIVE TO LOOKING AT POSSIBILITIES AND OPTIONS. I INTEND TO PURSUE THIS OPPORTUNITY WITH A WRITTEN COMMUNICATION TO FOREIGN MINISTER BRUTUS.

5. ACTION REQUESTED: IN ORDER TO MAKE THIS COMMUNICATION AS EFFECTIVE AS POSSIBLE, WE REQUEST FROM DEPARTMENT:

(A) REFERENCES TO PERTINENT CIRCULAR GUIDANCES WITHIN PAST 3 YEARS IN ADDITION TO REFS (B) AND (C) ABOVE;

(B) BASIC "TALKING POINTS", PARTICULARLY ON AVAILABLE OPTIONS;

(C) BASIC MATERIALS ON IBRD INTERNATIONAL CENTER FOR THE SETTLEMENT OF INVESTMENT DISPUTES (WITH PRACTICAL GUIDANCE ON HOW GOH AND FOREIGN CONTRACTOR WOULD TAKE RECOURSE TO IT);

(D) BASIC MATERIALS ON ANY OTHER INTERNATIONAL MECHANISMS WE SHOULD MENTION IN OUR PROPOSED COMMUNICATION.
ISHAM

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DISPUTES, ECONOMIC ASSISTANCE, DISPUTE SETTLEMENT, TRADE COMPLAINTS, PRIVATE INVESTMENTS, DIPLOMATIC DISCUSSIONS, DIPLOMATIC COMMUNICATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: cunninfx
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974PORTA01504
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740214-1119
From: PORT AU PRINCE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740870/aaaacims.tel
Line Count: 96
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: (A) PORT-AU-PRINCE 1492;
Review Action: RELEASED, APPROVED
Review Authority: cunninfx
Review Comment: n/a
Review Content Flags:
Review Date: 16 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 SEP 2002 by boyleja>; APPROVED <20 FEB 2003 by cunninfx>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PRIVATE COMMERCIAL DISPUTES WITH GOH
TAGS: EFIN, EIND, HA, (DUVALIER, JEAN-CLAUDE), (BRUTUS)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005